

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

ROBBIN LYNNE THOMPSON,

Plaintiff,

v.

CIVIL ACTION NO. 2:17-cv-01376

NANCY A. BERRYHILL,
Acting Commissioner of Social Security,

Defendant.

MEMORANDUM OPINION AND ORDER

Before the Court is Plaintiff Robbin Lynne Thompson's Complaint seeking review of the decision of the Acting Commissioner of Social Security, Nancy A. Berryhill ("Commissioner"). (ECF No. 2.) By Standing Order filed in this case on February 27, 2017, this action was referred to United States Magistrate Judge Omar J. Aboulhosen for submission of proposed findings of fact and recommendations for disposition ("PF&R"). (ECF No. 4.) Magistrate Judge Aboulhosen filed his PF&R on September 15, 2017, recommending that this Court reverse the final decision of the Commissioner, remand this matter pursuant to sentence four of 42 U.S.C. § 405(g), and dismiss this action from the Court's docket. (ECF No. 20.)

The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and the Plaintiff's right to appeal this

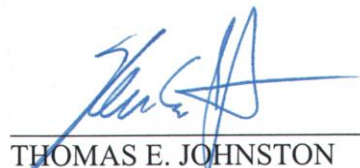
Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). Objections to the PF&R were due on October 2, 2017. To date, no objections have been filed.

Accordingly, the Court **GRANTS** Plaintiff's request for judgment on the pleadings, (ECF No. 17), to the extent it seeks remand of the Commissioner's decision, **DENIES** Defendant's request to affirm the decision of the Commissioner, (ECF No. 18), **REVERSES** the final decision of the Commissioner, **REMANDS** this matter pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings consistent with the PF&R, (ECF No. 20), **DISMISSES** the Complaint, (ECF No. 2), and **DIRECTS** the Clerk to remove this case from the Court's docket.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: October 27, 2017



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE